

Application No.: 09/402,112
Attorney Docket No.: FUK-63
Amendment Dated: April 6, 2004
Reply for Office Action Dated: July 6, 2004

REMARKS

Claims 19-29 are pending in the instant application. Claims 19-21 are allowed and Claims 22-29 are rejected.

By Amendment attached hereto, Applicant has cancelled Claims 28 and 29.

Claims 22-29 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, according to the Examiner. The Examiner states that the subject matter added to Claim 22 could not be located in the specification as originally filed and is considered to be new matter. The Examiner states further that new Claim 27 could not be located in the specification as originally filed and is considered to be new matter. Claims 23-29 are rejected for the same reasons as Claim 22, since they depend from rejected Claim 22.

Regarding the rejection of Claims 22 and 27, Applicant believes that the subject matter recited therein is fully supported by the application as originally filed. The subject matter of Claims 22 and 27 relevant to the rejection is set forth below (in relevant part):

“22. A structure fabricated by the method of claim 19, ... at least two said kinds of materials being in a form of layers, said structure including an x-y direction, at least one said layer being continuous relative to said x-y direction.” (Claim 22).

“27. The structure of claim 22, wherein each said layer is continuous relative to said x-y direction.” (Claim 27).

Applicant believes that support for this foregoing subject matter recited in Claims 22 and 27 may be found in the application as originally filed at Figs. 1 and 9 in regard to referenced layers 1 and 2. The continuous feature recited in these claims is clearly evident in these drawings. As shown, these figures also depict an x-y-z coordinate axes adjacent to the illustrated

Application No.: 09/402,112
Attorney Docket No.: FUK-63
Amendment Dated: April 6, 2004
Reply for Office Action Dated: July 6, 2004

structure. The structures of Figs. 1 and 9 and layers 1 and 2 are discussed in the specification at pages 9 and 75, for example.

In view of the foregoing, Applicant believes that Claims 22 and 27 are in compliance with 35 U.S.C. §112, first paragraph, and respectfully requests that the Examiner withdraw the rejection to Claim 22 (and Claims 23-26 dependent therefrom) and Claim 27.

Applicant has cancelled Claims 28 and 29 and therefore the rejection as applied thereto is now moot.

Applicant gratefully acknowledges that the Examiner has withdrawn the previous 35 U.S.C. §102(e)/103(a) rejection of Claims 22-26 over U.S. Patent No. 5,600,483 to Fan et al.

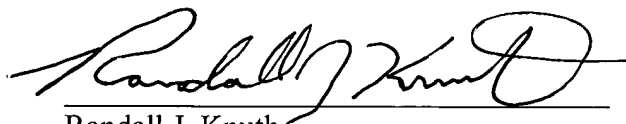
Applicant gratefully acknowledges the Examiner's indication that Claims 19-21 are allowed.

Applicant believes that the application is in condition for allowance and respectfully requests action in accordance therewith.

Application No.: 09/402,112
Attorney Docket No.: FUK-63
Amendment Dated: April 6, 2004
Reply for Office Action Dated: July 6, 2004

If the Examiner has any questions or comments that would speed prosecution of this case,
the Examiner is invited to call the undersigned at 260/484-4526.

Respectfully Submitted,



Randall J. Knuth
Registration No. 34,644

RJK/jrw2

Enclosures: Amendments to the Claims
(2 Sheets)
Explanatory Cover Sheet - Page 1
Return Postcard

Customer No.: 022855
RANDALL J. KNUTH, P.C.
4921 DeSoto Drive
Fort Wayne, IN 46815
Telephone (260) 484-4526
Facsimile (260) 484-0185
Email: rjknuth@rjkpc.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as first class
mail in an envelope addressed to: Commissioner for
Patents, PO Box 1450, Alexandria, VA 22313-1450,
on: July 6, 2004.



Torey Cooper

July 6, 2004

Date